

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS**

TYLER DIVISION

DATE: June 20, 2011

JUDGE
LEONARD DAVIS

REPORTER: Susan Simmons & Judy Werlinger

LAW CLERK: Anna Phillips & Nicole Mitchell

COLORQUICK LLC	CIVIL ACTION NO:
V	6:09-CV-323
VISTAPRINT LIMITED	JURY TRIAL - DAY 1
ATTORNEYS FOR PLAINTIFFS	ATTORNEY FOR DEFENDANT
SEE SIGN-IN SHEETS	

On this day, came the parties by their attorneys and the following proceedings were had:

OPEN: 8:45 am

ADJOURN: 5:00 pm

TIME:	MINUTES:
8:45 am	IN CHAMBERS CONFERENCE WITH COUNSEL.
9:25 am	Trial resumed. Jury seated in the courtroom.
	Court welcomed the Jury back and addressed them regarding scheduling and lunch being provided to throughout the week.
	Court inquired if parties have exhibits to offer.
	Mr. Kimble offered exhibits on "Plaintiff's Exhibits Admitted on Monday, June 20, 2011," marked as Plaintiff's Exhibit List 1, and without objection, exhibits admitted. Plaintiff's Exhibit List 1 lists Plaintiff's Exhibits 1-6, 8, 10 - 12, 20, 29 - 33, 60, 61, 64, 66, 70, 75, 76, 79 - 99, 107, 111, 118, 125, 126, 129, 138, 150, 151, 160, 163, 173, 174, 224, 246, 249 & 260; and Defendant's Exhibits 53, 55, 63 & 69.
	Mr. Friel offered exhibits on "Defendant's Exhibits Offered on Monday, June 20, 2011" marked as Defendant's Exhibit List 1, and without objection, exhibits admitted. Defendant's Exhibit List 1 lists Plaintiff's Exhibits 1, 3a, 11, 15, 18, 19, 22, 26 - 30, 48 & 224; and Defendant's Exhibits 1, 4, 5, 18, 22, 24, 25, 27, 28, 29, 33, 34, 36, 39, 42, 70, 116, 128, 133, 150, 151, 181, 244, 245, 246, 251.

DAVID J. MALAND, CLERK

FILED: 6.20.2011

BY: *Rosa L. Ferguson*, Courtroom Deputy

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TIME:	MINUTES:
	Court asked for witnesses to stand and state their names.
	Mark Weiss, David Zwang, Christopher Bakewell, Jeremy Herr, Ping Wah Wong, stood, stated names and were sworn by the Clerk..
	Court inquired as to the Rule. Mr. Conroy addressed the Court and will wish to invoke the rule. Court explained the Rule to the witnesses and the jury.
	Mr. Kimble called JEREMY HERR to the witness stand. Witness previously sworn.
	Direct examination of Mr. Herr by Mr. Kimble.
	Mr. Campbell asked to approach bench. (Bench Conference held).
	Mr. Kimble passed the witness. Cross examination of Mr. Herr by Mr. Campbell.
11:10 am	Court in recess until 11:30 am.
11:30 pm	Trial resumed.
	Mr. JEREMY HERR on the witness stand. Cross examination continued.
	Counsel asked to approach bench. (Bench conference held). Cross examination continued.
	Counsel asked to approach bench. (Bench conference held). Cross examination continued.
	Mr. Campbell passed the witness. Redirect examination of Mr. Herr by Mr. Kimble.
	Counsel asked to approach bench. (Bench conference held). Redirect examination continued.
	Counsel asked to approach bench. (Bench conference held). Redirect examination continued.
	Mr. Kimble passed the witness. No further questions of this witness. Witness finally excused.
	Mr. Kimble called Dr. PING WAH WONG to the witness stand. Witness previously sworn.
	Court addressed the jury and will go through 12:30 before breaking for lunch.
	Direct examination of Dr. Wong by Mr. Kimble.
12:30 pm	Court in recess until 1:15 pm.
1:25 pm	Trial resumed. Jury seated in the courtroom.
	Dr. PING WAH WONG on the witness stand. Direct examination of Dr. Wong by Mr. Kimble continued.
	Counsel asked to approach the bench. (Bench Conference held).
	Court gave an instruction to jury to disregard the last question and answer. Direct examination of Dr. Wong continued.
	Mr. Friel asked to approach the bench. (Bench Conference held).

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TIME:	MINUTES:
	Direct examination of witness continued.
	Mr. Friel asked to approach the bench. (Bench Conference held).
	Direct examination of Dr. Wong continued.
	Counsel asked to approach the bench. (Bench Conference held).
2:35 pm	Court addressed the Jury and will recess them to take up a matter. Court will recess them for 5 - 10 minutes.
	Hearing outside presence of jury: Court gave direction as to questioning the witness.
	Mr. Kimble asked questions of Dr. Wong.
	Mr. Campbell asked questions of Dr. Wong.
	Mr. Campbell addressed the court and asked that testimony be stricken. Mr. Conroy responded. Court asked the witness some questions. Mr. Conroy tendered document to the Court. Court will allow the testimony and counsel can cross on it if they wish.
	Court asked for the Jury to be brought in. Jury seated in the courtroom.
	Dr. PING WAH WONG on the witness stand. Direct examination of Dr. Wong by Mr. Kimble continued.
	Counsel asked to approach bench. (Bench conference held).
	Mr. Kimble passed the witness.
3:00 pm	Court in recess until 3:15 pm.
	Dr. PING WAH WONG on the witness stand. Cross examination of witness by Mr. Friel.
	Mr. Conroy asked to approach bench. (Bench Conference held).
	Cross examination of Dr. Wong continued.
	Mr. Conroy asked to approach bench. (Bench Conference held).
	Cross examination of Dr. Wong continued.
	Court inquired of counsel how much time
4:35 pm	Court addressed the Jury and informed that trial would not resume until 1:00 pm on Tuesday and Wednesday and gave them the schedule for the rest of the week.
	Court gave parties their times. Plaintiff has used 3 hours and 5 minutes and Defendant has used 2 hours and 7 minutes.
4:35 pm	There being nothing further, Court adjourned for the day.
4:35 PM	IN CHAMBERS CONFERENCE WITH COUNSEL.
5:00 PM	Court dismissed attorneys and concluded for the day.